REMARKS

Applicants appreciate the consideration of the present application afforded by the Examiner. Claims 1-44 are pending. Claims 1, 17, 20, 36 and 44 are independent. Claims 36-44 have been withdrawn. Claims 9 and 28 have been amended. Favorable reconsideration and allowance of the present application are respectfully requested in view of the following remarks.

Drawings

The Examiner has neither accepted nor objected to the drawings on the Office Action Summary form. Therefore, the Examiner is respectfully requested to accept the drawings on the subsequent Office Action Summary form, it the drawings appear to be acceptable to the Examiner.

Claim Rejections under 35 U.S.C. § 112

Claims 1-35 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as his invention.

More specifically, the Examiner believes that the term "partial content" is unclear to one of ordinary skill in the art. This rejection is respectfully traversed. The Examiner is directed to the claim language wherein partial content is defined. Moreover, Page 36 of the specification in which partial content is described as containing license information/use conditions and integrated into a single content. Thus, it is clear that one of ordinary skill in the art would understand what is meant by the term "partial content". Therefore, it is respectfully requested that the rejections to claims 1-35 be withdrawn.

Also, as per claims 9 and 28, the Examiner asserts "on the time axis" is unclear to one of ordinary skill in the art. Applicants believe it is clear what is meant by on the time axis in the context of claims 9 and 28. However, in order to proceed with prosecution, claims 9 and 28 have been amended. Therefore, it is respectfully requested that the rejections to claims 9 and 28 be withdrawn.

Claim Rejections under 35 U.S.C. §102

Claims 1-13, 15, 17-32 and 34 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Alkove et al. ("Alkove", U.S. 2004/0143760 A1). This rejection is respectfully traversed.

Alkove discusses combining data streams from an encoded file and licensing the group of data streams to an end user (*See Abstract*).

It is clear that Alkove does not discuss "a partial content *that holds license information* containing a unique use condition" (emphasis added). While Alkove discusses combining data streams, there is no discussion that *each partial content has a respective license information.*

Moreover, there is no discussion in Alkove of "assigning respective license information to a plurality of partial contents . . . that make up a collective content *and generating single license information by collecting the assigned respective license information*" (emphasis added). Alkove simply does not address this feature.

Furthermore, the Examiner does not even address the following feature of claim 17 "output control unit for outputting both or either of license information generated by the license generation unit and the collective content associated therewith to a recording medium via the input-output interface" in the Office Action. According to M.P.E.P. §2131, "a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Verdegaal Bros. v. Union Oil Co. Of California, 814 F.2d 628, 631, 2 USPQ2d 1051 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ...claims." Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913 (Fed. Cir. 1989). Thus, the Examiner has not presented a case for anticipation based on Alkove.

For at least the reasons stated above, independent claims 1, 17 and 20 are patentably distinct from Alkove. Claims 2-13, 15, 18, 19, 21-32 and 34 are at least allowable by virtue of their dependency on a corresponding allowable independent claim.

Accordingly, it is respectfully requested to withdraw this anticipation rejection of claims 1-13, 15, 17-32 and 34 based on Alkove.

Claim Rejections under 35 U.S.C. §103

Claims 14, 16, 33 and 35 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Alkove et al. ("Alkove", U.S. 2004/0143760 A1) in view of Matsuyama et al. ("Matsuyama", U.S. 2002/0056747 A1). This rejection is respectfully traversed. Matsuyama does not remedy the noted deficiencies of Alkove and thus cannot correct the defects of the Examiners rejection based solely on Alkove.

Accordingly, it is respectfully requested to withdraw this obviousness rejection of claims 14, 16, 33 and 35 based on Alkove and Matsuyama.

CONCLUSION

In view of the above amendment and remarks, applicant believes the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Charu K. Mehta, Reg. No. 62,913, at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

Dated: September 29, 2009

Respectfully submitted,

By _____

Charles Gorenstein
Registration No.: 29,271
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant

CG/CSK/mmc